

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI**

IN RE: MICHAEL THOMAS

CHAPTER 13

DEBTOR

CASE NO. 17-12661 JDW

MOTION TO MODIFY CHAPTER 13 PLAN AFTER CONFIRMATION

COMES NOW, Michael Thomas, Debtor, pursuant to 11 U.S.C. § 1329, and by and through his attorney of record, and states as follows:

1. That Debtor's Chapter 13 Plan was confirmed on January 4, 2018 [Dkt. 32] providing for a plan period of 60 months, with 100% to unsecured creditors.
2. The Debtor's confirmed plan allows for payment of a 2015 Chevrolet Impala to USAA Federal Savings Bank. The Debtor was involved in a car accident where the vehicle was deemed a total loss on January 7, 2019. The Debtor's insurance policy will only pay the value of the vehicle to the lien holder.
3. Debtor now requests that his plan be modified to remove the ongoing payment to USAA Federal Savings Bank from the plan and the Trustee to cease payments to said creditor. Debtor requests that any deficiency owed following sale of the vehicle be treated as an unsecured claim.
4. Debtor requests his distribution to unsecured creditor remain at 100%.
5. All creditors listed on the mailing matrix shall have a minimum of 21 days from the date of filing of the motion to file a response or objection with the Court.

WHEREFORE, PREMISES CONSIDERED, Debtor moves this Honorable Court to

enter an order directing the modification of Chapter 13 plan after confirmation.

Respectfully submitted,

/s/Robert H. Lomenick

ROBERT H. LOMENICK, JR., MSB 104186

ALLEN CHERN LAW, LLC

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CASE NO. 17-12661 JDW

NOTICE OF MOTION

PLEASE TAKE NOTICE that all responses are due on or before January 28, 2019, to consider and act upon the Motion for Modification of Chapter 13 Plan After Confirmation.

Should any party receiving this notice respond or object to said motion such response or objection is required to be filed with the Clerk of this Court, U.S. Bankruptcy Court, Northern District of Mississippi, 703 Highway 145 North, Aberdeen, Mississippi 39730, and served on the Attorney for the Movant on or before said objection due date. If any objection or response is filed, the Court will notify the parties of a date, time and place for the hearing thereon, otherwise, the Court may consider said motion immediately after the objection or response due date.

RESPECTFULLY SUBMITTED, this the 17th day of January, 2019.

/s/Robert H. Lomenick
ROBERT H. LOMENICK, JR., MSB 104186
ALLEN CHERN LAW, LLC
126 NORTH SPRING STREET
POST OFFICE BOX 417
HOLLY SPRINGS, MS 38635
662-252-3224/rlomenick@gmail.com

CERTIFICATE OF SERVICE

I, Robert H. Lomenick, Jr., Attorney for Debtor, do hereby certify that I have this day mailed postage prepaid and/or via electronic delivery, a true and correct copy of the above and foregoing Motion To Modify Chapter 13 Plan After Confirmation and Notice of Motion to:

Locke D. Barkley
Chapter 13 Trustee
6360 I-55 North, Suite 140
Jackson, MS 39211

Office of the U. S. Trustee
501 East Court Street, Suite 6-430
Jackson, MS 39201

USAA Federal Savings Bank
P.O. Box 25145
Lehigh Valley, PA 18002

all creditors on matrix

This the 17th day of January 2019.

/s/Robert H. Lomenick
ROBERT H. LOMENICK